

ORIGINAL**PATENT**

Attorney Docket No. Le A 36 131

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

National Stage in the U.S. of

International Application No.: PCT/EP03/05735

International Filing Date: 06/02/2003

U.S. Application No.: 10/516,777

First Named Inventor: Joachim Luithle

Title: 2-Heteroaryl Carboxamides

**COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371**

This replies to the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed to applicants on 05/18/2005. A copy of Form PCT/DO/EO/905 is enclosed.

CONDITIONAL PETITION AND FEE FOR EXTENSION OF TIME

This conditional petition is being filed along with this response and provides for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

If any extension of time for the accompanying response is required, applicants request that this be considered a petition therefore.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. § 1.17(a) to (d), which may be required by this Conditional Petition to Deposit Account No. 13-3372.

DECLARATION OR OATH

No declaration or oath was filed. Enclosed is the original declaration or oath for this application (35 U.S.C. 371 (c)(4)).

COMPLETION FEES

Surcharge fee for late filing of original declaration or oath (37 C.F.R. 1.492(e)) \$130.00.

01/18/2006 GFREY1 00000162 133372 10516777
01 FC:1617 130.00 DA

ADDITIONAL CLAIMS FEE

Form PCT/DO/EO/905 indicates that additional claims fee(s) are due for this application in the amount of **\$1,260.00** as described below:

- **\$900.00** for **18** total claims over 20.
- **\$360.00** for multiple dependent claim surcharge.

Applicants wish to clarify for the record that the extra claim fees were calculated based on the claims remaining after the preliminary amendment submitted on 12/03/2004 along with the request for entry into the national phase.

The claim fees were calculated as follows:

DETERMINATION OF CLAIMS FEE based on claims remaining after preliminary amendment filed on 12/03/2004				
	Number Filed	Number Extra	Rate (Effective 10/01/2004)	Fee Paid
Total Claims	17 - 20 =	0	\$18.00	\$ 00.00
Independent Claims	7 - 3 =	4	\$88.00	\$352.00
Multiple Dependent Claims	0	0	\$300.00	\$ 00.00

Since payment for the extra claims in the amount of **\$352.00** was made in the manner set forth on Form PTO-1390, Applicants believe that no extra claim fees are due for this application.

Accordingly, withdrawal of the notice to submit additional claim fees is respectfully requested.

PAYMENT OF FEES

The Commissioner is hereby authorized to charge the fee under 37 C.F.R. 1.492(e) in the amount of **\$130.00** to Deposit Account No. 13-3372. A duplicate of this request is attached.

The Commissioner is also authorized to charge any additional fees, any underpayment of fees, and credit any overpayment to the above deposit account.

Respectfully submitted,


Susan M. Pellegrino
Susan M. Pellegrino
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Date: JAN 13 2006

Registration No. 48,972

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Attorney's Docket No. Le A 36 131

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Joachim Luithle, et al.

Serial No.: 10/516,777

National Stage Filing of PCT/EP03/05735

International Filing Date: 06/02/2003

For: 2-Heteroaryl Carboxamides

**ATTN: PCT LEGAL STAFF
MAIL STOP PCT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

RECEIVED

20 JAN 2006

CERTIFICATE OF MAILING UNDER 37 CFR 1.10**Legal Staff
International Division**I hereby certify that the *attached* correspondence comprising:

- Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 C.F.R. 1.137(b) [IN DUPLICATE];
- Response to Notification of Missing Requirements under 35 U.S.C. 371 [IN DUPLICATE];
- Copy of Notification of Missing Requirements (Form PCT/DO/EO/905);
- Original executed declaration of the inventor(s) (35 U.S.C. 371(c)(4)); and
- Return Receipt Post Card.

is, on the date shown below, being deposited with the United States Postal Service, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EQ 006 483 788 US addressed to:

*Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450*

JAN 13 2006

Date

Signature of Person Certifying / Susan M. Pellegrino

EQ 006 483 788
541 Ref# 0000003 133372 10516777
S1 FC 115 360.00 DA
S2 FG 115 980.00 DA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/516,777	Joachim Luithle	Le A 36 131
INTERNATIONAL APPLICATION NO.		
PCT/EP03/05735		
I.A. FILING DATE	PRIORITY DATE	
06/02/2003	06/10/2002	
CONFIRMATION NO. 5263		
371 FORMALITIES LETTER		
 OC000000016041915		

Date Mailed: 05/18/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/02/2004
- Copy of the International Search Report filed on 12/02/2004
- Preliminary Amendments filed on 12/02/2004
- Information Disclosure Statements filed on 12/02/2004
- Request for Immediate Examination filed on 12/02/2004
- U.S. Basic National Fees filed on 12/02/2004
- Priority Documents filed on 12/02/2004
- Power of Attorney filed on 12/02/2004

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$1260** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$1390 for a Large Entity:

- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$ 1260
 - \$900 for 18 total claims over 20.
 - \$360 for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/516,777	PCT/EP03/05735	Le A 36 131

FORM PCT/DO/EO/905 (371 Formalities Notice)